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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214091
Party	Plaintiff Villanueva Holding Company LLC
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Submission	Answer to Counterclaim
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Date	01/12/2015
Attachments	Answer to Counterclaim.pdf(28142 bytes)

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VILLANUEVA HOLDING COMPANY, LLC,	§	
	§	
Opposer and Counterclaim Respondent,	§	
	§	
v.	§	Opposition Nos. 91214091 (parent case),
	§	91214147
DAVID REYNOSO URZUA	§	
A/K/A DAVID REYNOZO	§	
	§	
Applicant and Counterclaim Petitioner.	§	

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ANSWER TO COUNTERCLAIM

For its Answer to the “Motion to Counterclaim” of Applicant, David Reynozo (“Reynozo” or “Applicant”), and responding to numbered paragraphs thereof with similarly numbered paragraphs, Opposer, Villanueva Holding Company, LLC (“Villanueva” or “Opposer”), based upon present information, states as follows:

1. Villanueva admits that Reynozo has standing, but denies that the Counterclaim has merit.
2. Villanueva will not repeat nor respond to the argumentative subtitles such as “NOT THE OWNER,” but rather denies each of such subtitles contained in the counterclaim. As to the allegations after the subtitle “NOT THE OWNER, Villanueva denies such allegations.
 - a. Villanueva admits that on January 6, 2012, Mexcor, Inc. filed U.S. Application No. 85510754.

- b. Denied. On October 11, 2013, an assignment with an effective date of October 2, 2013 in which Mexcor, Inc. transferred to Villanueva Holding Company, LLC the entire interest and goodwill in the RESERVA DE EL JAGUAR mark and application therefor was filed for recordal with the USPTO.
 - c. Admitted only to the extent that on December 19, 2013, a Statement of Use was filed in the name of Mexcor, Inc., the declaration for which was signed by Mitzi Ferranti, whose position was identified as “Compliance Manager.”
 - d. Opposer is presently without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2(d), and therefore denies the same.
3. Opposer admits that it had not sold a tequila product under the mark RESERVA DE EL JAGUAR at the time the application therefor was filed on January 6, 2012 by Mexcor, Inc. Opposer is presently without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3, and therefore denies the same.
- a. Denied.
 - b. Denied.
 - c. Denied.
4. Opposer denies the allegations of Paragraph 4 to the extent they allege fraud on the PTO and that the specimen filed with the Statement of Use for RESERVA DE EL JAGUAR was filed only for the purpose of obtaining a registration. Opposer is presently without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 4, and therefore denies the same.

- a. Denied.
 - b. Opposer admits that a specimen is a material element of an application filed under §1(a) or of an Allegation of Use filed under §1(c) or §1(d).
 - c. Denied.
5. Denied.
- a. Denied.
 - b. Admitted.
 - c. Opposer is presently without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5(c), and therefore denies the same.
6. Denied.
- a. Villanueva Holding Company, LLC's address is 8950 Railwood Drive, Houston, Texas 77078. The address of record for Mexcor, Inc. and Jaime Jose Coira Villanueva also appears to be 8950 Railwood Drive, Houston, Texas 77078. In this regard, the allegations as to Opposer's address and the address of the other parties identified in Paragraph 6(a) is denied. The allegation and reference to "others" is ambiguous, and Opposer is therefore presently without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6(a), and therefore denies the same.

- b. Denied
- c. Denied
- d. Denied.
- e. Denied.
- f. Opposer admits that the Statements of Use filed in connection with Reg. No. 4,423,034 for the mark CHAQUIRA and Reg. No. 4,495,282 for the mark RESERVA DE EL JAGUAR appear to indicate the same first use dates.
- g. Denied.
- h. Denied.

AFFIRMATIVE DEFENSES

1. The Statement of Use filed in connection with Application Serial No. 85/510,754 for the mark RESERVA DE EL JAGUAR was inadvertently filed in the name of Mexcor, Inc.
2. Applicant's allegations, in whole or in part, fail to state a claim against Opposer on which relief can be granted.

3. Opposer's actions were at all times reasonable, justified, and undertaken in good faith, and Opposer did not directly or indirectly undertake or fail to undertake any action in violation of the law.

WHEREFORE, Opposer respectfully requests that Applicant's Counterclaim be dismissed with prejudice and that all relief to Applicant be denied.

Respectfully submitted,

By: /William D. Raman/

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ATTORNEY FOR OPPOSER,
VILLANUEVA HOLDING
COMPANY, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 12, 2015, a copy of the foregoing was served upon counsel for David Reynozo by electronic mail at wsp@NJPLS.com as agreed by the parties.

/William D. Raman/
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